

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

SE PROPERTY HOLDINGS, LLC,<sup>1</sup>)  
Plaintiff,)  
vs.) CIVIL ACTION NO. 11-0089-CG-M  
JULE R. HERBERT, JR., )  
Defendant,)  
PHOENIX WEST II, LLC,)  
Garnishee.)

# **CONDITIONAL JUDGMENT AGAINST GARNISHEE AND NOTICE TO GARNISHEE**

This cause is before the court on the plaintiff's Motion for Conditional Judgment Against Garnishee (Doc. 52).

It appearing to the court that on October 11, 2011, a Consent Judgment (Doc. 24) was entered in favor of plaintiff, Vision Bank, and against defendant, Jule R. Herbert, Jr., for the sum of \$1,580,482.62, and that a Writ of Garnishment (Doc. 47) on the judgment was duly issued in this cause by the clerk of this court, and duly served upon the garnishee on April 29, 2014 pursuant to the United States Marshal's return of service (Doc. 49), and that the garnishee has failed to file an Answer thereto within the time required by law;

<sup>1</sup> SE Property Holdings, LLC is the successor to Vision Bank as the result of a merger on February 16, 2012 (see exhibit to Doc. 27), and was substituted as the party plaintiff in this action pursuant to Rule 25(c) of the Federal Rules of Civil Procedure on March 7, 2012 (Doc. 28).

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the court that the plaintiff have and recover of the garnishee, Phoenix West II, LLC, the sum of \$1,584,838.02, (\$1,580,482.62 plus post judgment interest in the amount of \$4,355.40), unless within thirty (30) days of service of process of this Conditional Judgment against Garnishee and Notice to Garnishee, Phoenix West II, LLC appears and shows cause why this conditional judgment should not be made final and absolute.

The United States Marshal or any of his authorized Deputies is **ORDERED** to serve this Conditional Judgment against Garnishee and Notice to Garnishee on Garnishee, Phoenix West II, LLC at 1090 Industrial Drive, Saraland, Alabama 36571, and make proper return to this court.

**DONE and ORDERED** this 2nd day of July, 2014.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE